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P/727-123

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Yu-Nung Shen

Date: July 28, 2005

Serial No.: ~~10/716,848~~ 10/716,948

Group Art Unit: 2814

Filed: November 19, 2003

Examiner: Ginette Peralta

For: SEMICONDUCTOR DEVICE WITH A MULTI-LEVEL INTERCONNECT
STRUCTURE AND METHOD FOR MAKING THE SAME

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

Responsive to the Restriction Requirement mailed June 28, 2005, Applicant elects Group I, claims 1-8 drawn to the semiconductor device.

The Restriction Requirement is respectfully traversed. It is stated that the processes claimed can be used to make other product or that the product can be made by another process. However, comparison of the elected product claims and the at this point non-elected method claims shows that the method steps in the method claims largely involve forming the elements that are recited in the product claim, whereby effectively, the elements of the product and the method claims generally if not completely overlap. The rejection suggests a hypothetical use of the process to produce a different product. But, in fact, the overlap between the elements in the product and the method of forming the product cause them to be so similar that to suggest that the inventions are separate and distinct is to ignore the actual claim elements of both groups of claims.

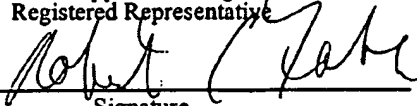
A prior art search as to one group of claims necessarily would overlap a search as to the other in this case.

Reconsideration of the Restriction Requirement and examination of the two groups of claims together is requested, therefore.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 28, 2005:

Robert C. Faber

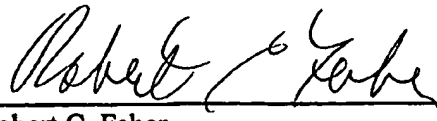
Name of applicant, assignee or
Registered Representative


Signature

July 28, 2005

Date of Signature

Respectfully submitted,



Robert C. Faber

Registration No.: 24,322

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

RCF:mjb